

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANDREW STRICK,

Petitioner,

v.

CITY OF YELM,

Respondent.

CASE NO. C16-5230 RBL

ORDER DENYING MOTION TO
PROCEED IFP

DKT. #1

THIS MATTER is before the Court on Petitioner Strick's Motion to Proceed *in Forma Pauperis* [Dkt. #1]. Strick sues the City of Yelm, Washington, alleging city employees improperly arrested him and falsified evidence.

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The Court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit." *Tripathi v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir.

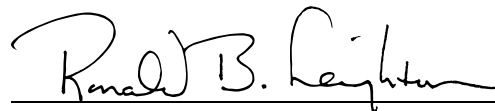
1 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis* complaint
2 is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v. Dawson*, 778
3 F.2d 527, 529 (9th Cir. 1985); *see also Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

4 A *pro se* plaintiff’s complaint is to be construed liberally, but like any other complaint, it
5 must nevertheless contain factual assertions sufficient to support a facially plausible claim for
6 relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (citing *Bell*
7 *Atlantic Corp. v. Twombly*, 550 U.S. 544, 570, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007)). A
8 claim for relief is facially plausible when “the plaintiff pleads factual content that allows the
9 court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”
10 *Iqbal*, 556 U.S. at 678.

11 Strick’s conclusory complaint does not articulate a plausible claim upon which relief can
12 be granted. His Motion to Proceed *in Forma Pauperis* [Dkt. #1] is therefore DENIED. He shall
13 pay the filing fee or submit a proposed amended complaint addressing this deficiency within 30
14 days, or the case will be dismissed without further notice. Any amended complaint need not be
15 long, but it does have to articulate sufficient facts to support a plausible claim upon which relief
16 can be granted.

17 IT IS SO ORDERED.

18 Dated this 29th day of March, 2016.

19
20 

21 Ronald B. Leighton
22 United States District Judge
23
24